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LEGISLATIVE HISTORY

Public Law 86-419  
H. R. 4874

TABLE OF CONTENTS

Index and summary of H. R. 4874.....	1
Digest of Public Law 86-419.....	2



INDEX AND SUMMARY OF H. R. 4874

- Feb. 23, 1959 H. R. 4874 was introduced by Rep. Smith, Kansas, and was referred to the House Agriculture Committee. Print of bill as introduced.
- Mar. 26, 1959 S. 1580 was introduced and discussed by Sen. Schoeppel and was referred to the Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of Sen. Schoeppel.
- Aug. 19, 1959 House committee voted to report (but did not actually report) H. R. 4874.
- Aug. 24, 1959 House committee reported H.R. 4874 without amendment. H. Report No. 972. Print of bill and report.
- Aug. 31, 1959 House passed H. R. 4874 without amendment.
- Sep. 1, 1959 H. R. 4874 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
- Sep. 2, 1959 Sen. Anderson submitted his proposed amendment to H. R. 4874.
- Feb. 17, 1960 Senate committee reported H. R. 4874 with amendment. S. Report No. 1094. Print of bill and report.
- Mar. 28, 1960 Senate passed H. R. 4874 as reported.
- Mar. 31, 1960 House concurred in Senate amendment to H. R. 4874.
- Apr. 9, 1960 Approved: Public Law 86-419.



DIGEST OF PUBLIC LAW 86-419

WHEAT ACREAGE HISTORY. Amends section 334 of the Agricultural Adjustment Act of 1938, as amended, so as to provide that for the purpose of establishing future acreage allotments for States, counties, and farms, the past acreage of wheat for any farm on which the farm marketing excess is adjusted to zero because of underproduction shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty.







86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4874

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1959

Mr. SMITH of Kansas introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 334 of the Agricultural Adjustment Act of  
4       1938, as amended, is further amended by inserting a new  
5       paragraph (d) between paragraphs (c) and (e) to read as  
6       follows:

1        "(d) For the purposes of paragraphs (a), (b), and  
2        (c) of this section, any farm on which the farm marketing  
3        excess is adjusted to zero because of underproduction pur-  
4        suant to regulations implementing paragraph (12) of sec-  
5        tion 1340 of title 7 of the United States Code (7 U.S.C.  
6        1340 (12) ), shall be regarded as a farm on which the entire  
7        amount of the farm marketing excess has been delivered to  
8        the Secretary or stored in accordance with applicable regula-  
9        tions to avoid or postpone the payment of the penalty."



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By Mr. Smith of Kansas

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FEBRUARY 23, 1959

Referred to the Committee on Agriculture





86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1580

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 1959

Mr. SCHOEPPEL introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

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**A BILL**

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By Mr. SCHOEPPEL

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MARCH 26, 1959

Read twice and referred to the Committee on Agriculture and Forestry

The late Reverend Bernard Iddings Bell once asked:

"What could be better calculated to promote an unhealthy psychosis than to prepare a child for a world of struggle and competition by wrapping his mind in the woolly illusion that achievement and negligence should receive the same reward?"

Vice President RICHARD NIXON stated well in his educational address in New York in December 1957 that "the most fundamental weakness in many of our schools is that students are not allowed to face the challenge of failure."

It is well known that children in many foreign school systems are ahead of their counterparts in the United States. Alvin C. Eurich, former president of the State University of New York and now vice president of the Fund for the Advancement of Education, reported last year: "It is my impression that a student completing the Russian secondary school at the age of 17 probably has an education equivalent to that which we provide by the end of the first 2 years of college." This suggests that children learn as much in Russian schools in 10 years as they do in American schools in 14 years. James Bryant Conant, former president of Harvard University, said in a speech a few years ago that graduates of European secondary schools "when they enter a university have 2 or 3 times as much knowledge and acquired skills as the best college entrants in the United States."

It has been asserted that such comparisons are unfair because European secondary schools accommodate only a small percentage of the children while virtually all American children go through high school. This is in error. For example, all British children attend secondary schools: 15 percent are in grammar (academic) schools, 70 percent in modern secondary schools and the rest in technical schools. Those in modern and technical secondary schools graduate at age 15. By that time they have acquired a level of basic skills and knowledge which is at least comparable to that of our 12th graders. The main distinction between American and European school systems is not that we send all children to high schools and others only a select few, but that the American system stretches the education over more years.

There is a dire need for a thorough study comparing the material resources and educational achievements of Russian and European schools with those of American schools. Presently, only sporadic information is available. We know that, for example, a typical elementary class in Moscow has 40 to 45 pupils, a secondary class, 30, that schools operate on two shifts and that many teachers do likewise to earn a living wage. We know that in England many schools exceed the statutory size of 40 pupils in primary and 30 in secondary schools. We know that children in British and Russian schools have barely more than half as much space as our children have in contemporary schools. Similar conditions appear to exist in France, Switzerland, and other Western European countries. But the students' achievements are reported to be higher than ours. The reason was explained by Johns Hopkins University president, Dr. Milton S. Eisenhower last year:

"We are too casual about education. This is the primary reason why European students achieve scholastically in 10 years what ours do in 12—and it happens that most students do better work with a heavy load than a light one."

The Fund for the Advancement of Education said in its 1954-56 report: "Questions are being more and more insistently raised, not by small and disgruntled groups of citizens, but by leaders of opinion and large elements of the public, whether American education has become too soft, demands too

little of our youth, encourages much too low expectations and effort from the students, and has been too busy with custodial duties to do well by its educational opportunities." This, incidentally, was said 1 year before sputnik.

What, then, is the answer to our school's problems? The magazine, the Nation's Schools, found in a personal survey among public school educators unanimity that "there is basically nothing wrong with American public education that more money wouldn't remedy."

However, there is surprisingly little evidence that quality of education is proportionate to the number of dollars spent. Ten days ago, a citizens committee which had been studying the schools of Scarsdale, N.Y., for 2 years reported this: expenditure per pupil, at \$971, was almost three times the national average, and among the highest in the Nation. One Scarsdale school building achieved notoriety as being one of the most expensive school structures in the country.

But Scarsdale High graduates tend to be C-plus students in college; the majority rank below average in college despite high IQ's. Nor is the school doing well by its slow students. The citizens committee made no effort to hide its disappointment at this record.

On the other hand we have the example of Utah, which has a record of outstanding educational accomplishments at costs much below the national average.

Vice President RICHARD NIXON said in his earlier quoted speech:

"Too often we hear the superficial and pat formula that the answer to all of our problems in the educational field is more classrooms, more teachers, more scholarships, and more scientists. Action on these fronts is essential. But we miss the target completely if we do not recognize at the outset that our major problem is quality and not quantity of education."

In an inspired article "American Education's Greatest Need" in the Saturday Review 2 weeks ago, Yale University President A. Whitney Griswold stressed that he saw the greatest need of the educational system not in more money but in a sense of purpose, in higher intellectual aims.

Dr. Clarence Faust, president of the Fund for the Advancement of Education, said over 2 years ago: "Our school system does need more buildings, more money for operating expenses, teachers' salaries, and more and better prepared teachers. But it needs even more to find ways of making better and more effective use of its resources for the major purposes of education."

Admiral Rickover outlined a program for the schools in his recent book, "Education and Freedom": "Only massive upgrading of the scholastic standards of our schools will guarantee the future prosperity and freedom of the Republic."

"We must spend substantially more for education. We must also spend school tax money more wisely. I venture to say that of all leading countries, we get the least in education for our tax dollars. For various reasons our school establishment is the most expensive in the world. We have set ourselves standards of luxury in buildings and equipment unknown elsewhere. We require 2 to 3 years longer to bring our students to approximately the same level of education as most European countries—this alone means 20 percent higher costs for the same end product."

I submit that we can afford to spend more on education than other countries and we should. But we cannot afford to get less education for it. Here then is the answer to the question which the title of my talk posed "Do we need more dollars for education or more education for our dollars?"

It is essential that the schools receive larger funds in the years ahead. Starving

the schools of the necessary means and keeping teachers' salaries below a competitive level, will not improve education. But neither is money a substitute for higher standards and fuller and more effective use of the available resources. Our young people won't learn one iota more in a spacious glass and marble building than in a plain one. Too many of them will keep electing themselves out of an education if we offer them a cafeteria-type course program. They will learn more only if they study harder.

We cannot promote respect for learning if we treat achievement and failure without distinction, if we continue to pretend that giving recognition to educational accomplishment is undemocratic. We won't get the able children to take the solid subjects and work hard until we accord honor and visible reward to those who through a combination of talent and toil excel the rest. As long as we pursue the egalitarian trend—all children going to the same class, promoted each year without distinction, getting their diploma or degree for faithful residence, all teachers paid by the same scale—we shall not provide the education which this day and age requires—no matter how many billions we pour into the system. We may be paying the price of excellence but we shall be getting mediocrity.

#### WHEAT ACREAGE ALLOTMENTS

Mr. SCHOEPPEL. Mr. President, I have introduced a bill which is aimed at correcting a provision in the present agricultural laws with respect to farms which exceed their wheat acreage allotments, but which, because of drought, hail, or other natural causes produce no marketing excess.

Under the provisions of the present law, a farmer who overseeds his allotment and raises a surplus may avoid or postpone penalty by storing the excess wheat in accordance with regulations. In so doing, the farmer is entitled to receive as acreage credit for that year the base acreage for the farm in figuring his future wheat acreage allotments.

In the case of a farmer who also overseeds his allotment, but raises no wheat at all, or no marketing excess, he is penalized by the loss of some of his acreage for that year. In fact, the acreage allotment in that year will be considered the acreage in figuring his future wheat allotments.

In other words, under present law, the farmer who produces no excess to add to existing surpluses, is penalized, while the farmer who does raise an excess, is not.

The bill would give the farmer producing no excess the same treatment as that accorded the one producing an excess.

The proposed legislation has the support of many wheat farmers throughout the wheat-producing areas of Kansas. It is my hope to enlist sufficient support in Congress to make its early enactment possible.

#### ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 26, 1959, he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 47. Joint resolution providing that certain communication activities at the IX Plenary Assembly of the International

March 26, 1959

~~Radion Consultative Committee to be held in the United States in 1959 shall not be construed to be prohibited by the Communications Act of 1934 or any other law; and~~

~~S.J. Res. 73. Joint resolution extending an invitation to the International Olympic Committee to hold the 1964 Olympic games in the United States.~~

#### HOLY WEEK

Mr. CARLSON. Mr. President, as we conclude our deliberations in the Senate in the midst of Holy Week, it is appropriate that we free our thoughts from the burden of concern with material problems, and reflect on ills of the spirit which are a heavier weight on man.

In this hour of confusion and uncertainty, Holy Week holds the answer to our problems.

Father James Keller, who in 1945 founded the Christopher Movement has written a beautiful message for Easter. It appeared in his book, entitled "A Day At a Time," and reads as follows:

With the fear of atomic and hydrogen warfare haunting men everywhere, the peace of the Risen Christ has a particular significance this year.

The more sincerely men look to the Prince of Peace for the way to true and lasting concord, the sooner we will all enjoy the precious peace for which all men yearn.

It is the tendency of most of us, however,

to think that somebody else ought to provide peace for us, while we do little or nothing about it ourselves.

It is difficult to realize that the peace of the world begins with each one of us. There is a contribution to peace that you as one individual can render which no one else can make.

It is more than a matter of being at peace with one's self. God expects each of us to be an instrument or bearer of peace—to bring His peace not only into our homes, classrooms, and shops, but also into such vital fields as government, literature, entertainment, and labor relations.

The first words that Christ uttered to His disciples when He rose from the dead should stimulate all of us to be instruments of peace:

"Peace be to you. As the Father hath sent me, I also send you." (John 20: 21.)

Mr. President, it is my hope that when we return to our legislative duties, we shall have been strengthened in the faith we have in the wonderful heritage given to us by those who founded this great Nation, with its freedoms and its opportunities, and that we shall rededicate ourselves to the principles for which our country stands.

#### ADJOURNMENT UNTIL TUESDAY, APRIL 7, 1959

Mr. MANSFIELD. Mr. President, pursuant to House Concurrent Resolution

110, which was agreed to yesterday, I move that the Senate adjourn until Tuesday, April 7, 1959, at 12 o'clock noon.

The motion was agreed to; and (at 3 o'clock and 54 minutes p.m.) the Senate adjourned, the adjournment being in accordance with the terms of House Concurrent Resolution 110, until Tuesday, April 7, 1959, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate March 26, 1959:

##### NATIONAL SCIENCE FOUNDATION

Dr. Logan Wilson, of Texas, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1964, vice T. Keith Glennan, resigned.

##### NATIONAL LABOR RELATIONS BOARD

Stuart Rothman, of Minnesota, to be general counsel of the National Labor Relations Board for a term of 4 years.

##### COLLECTOR OF CUSTOMS

Orley McGlothlin, of Colorado, to be collector of customs, with headquarters at Denver, Colo. (reappointment).

Harry D. Youse, of North Webster, Ind., to be collector of customs for customs collection district No. 40, with headquarters at Indianapolis, Ind. (reappointment).





HOUSE -

Aug. 19, 1959

24. SCIENTIFIC AWARDS. Passed with amendments H. R. 6288, to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences. pp. 15030-1
25. SMALL BUSINESS. The Banking and Currency Committee reported without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000 (H. Rept. 946). p. 15033
26. PUBLIC BUILDINGS. Rep. Huddleston commended the GSA for using bituminous coal for the heating of Government buildings. p. 15068
27. RECLAMATION. Rep. Hagen commended the conferees for including funds in the supplemental appropriation bill for loans for construction of an irrigation distribution system in Tulare County, Calif. pp. 15068-9
28. MONOPOLIES. Rep. Patman inserted an article on the danger of monopolies, including a statement that big dairy plants are "moving swiftly toward control of the entire dairy industry." p. 15078
29. WATER RESOURCES. The Judiciary Committee reported with amendment H. R. 5711, to grant the consent of Congress to the Wabash Valley compact (H. Rept. 948). p. 15080
30. FOOD STAMPS. The "Daily Digest" states that the Rules Committee tabled a motion to grant a rule on H. R. 1359, to provide for the establishment of a food stamp plan for the distribution of \$1 billion worth of surplus food commodities a year to needy persons and families in the U. S. p. D795
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31. THE AGRICULTURE COMMITTEE voted to report (but did not actually report) the following bills with amendment: H. R. 8639, "to create an Agricultural Research and Development Commission" (industrial uses research bill); H. R. 8578, to permit the harvesting of hay on conservation reserve acreage under certain conditions; H. R. 4374, to provide for preserving wheat acreage history on farms on which the farm marketing excess is adjusted to zero because of under-production; and H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval. p. D794
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32. RESEARCH. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources; and H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters; and the "Daily Digest" states that the committee re-referred to subcommittee H. R. 5814, to provide for cooperative unit programs of fish and wildlife resources research and demonstration between the Federal Government of the U. S., colleges, the several States and private organizations. p. D795

ITEMS IN APPENDIX

33. STATEHOOD. Rep. Porter inserted an editorial discussing why Puerto Rico "does not want to be a State." pp. A7156-8
34. FARM LABOR. Extension of remarks of Sen. Williams, N. J., inserting several articles discussing the economic and social problems of migrant laborers with special reference to the migratory workers in Maryland. pp. A7158-9, A7162

35. ELECTRIFICATION; RECLAMATION. Extension of remarks of Sen. Gruening inserting an address by Harold Moats, Corps of Engineers, favoring the proposed construction of a dam at Rampart on the Yukon. pp. A7159-60  
Extension of remarks of Rep. Ullman expressing his opposition to private development of the Middle Snake River and inserting an editorial on this subject. p. A7180
36. CONSERVATION. Extension of remarks of Sen. Williams, N. J., favoring the proposed Youth Conservation Corps bill and inserting an article, "Revived CCC Might Do Great Job." p. A7165
37. CIVIL DEFENSE. Extension of remarks of Sen. Young inserting an editorial, "Parkinson's Law," and stating that he believes the editorial "presents convincingly the waste of taxpayers' money on an ever-increasing futile bureaucracy which will only perpetuate the already useless and inept Office of Civil and Defense Mobilization." pp. A7173-4
38. DEBT MANAGEMENT. Extension of remarks of Rep. Curtis, Mo., expressing his "regret" that no action has been taken on the legislative recommendation of the President designed to provide for economical management of the public debt. p. A7179

BILLS INTRODUCED

39. SURPLUS COMMODITIES. H. R. 8730, by Rep. Dent, and H. R. 8736, by Rep. Holland, to provide for the donation of surplus commodities to the States for distribution to needy persons; to Agriculture Committee.
40. PERSONNEL. H. R. 8729, by Rep. Chelf, to amend sections 111 and 1114 of title 18, United States Code; to Judiciary Committee.  
H. R. 8738, by Rep. Murray, and H. R. 8739, by Rep. Rees, Kan., to improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950; to Post Office and Civil Service Committee.
41. REA; ELECTRIFICATION. S. 2563, by Sen. Ellender (for himself and Sen. Aiken) (by request), to amend the Rural Electrification Act to provide a revolving fund for certain loans by the Secretary of Agriculture, for improved budget and accounting procedures; to Agriculture and Forestry Committee.

BILLS APPROVED BY THE PRESIDENT

42. SPECIAL MILK. S. 1289, to increase by \$6 million (to \$81,000,000) for the fiscal year 1960 and by \$9 million (to \$84,000,000) for the fiscal year 1961 the maximum amount of CCC funds which may be used for the special milk program. Approved August 18, 1959 (Public Law 86-163, 86th Congress).
43. ACREAGE ALLOTMENTS; COTTON. S. 1455, to provide that beginning with the 1960 crop, the entire current farm allotment shall be regarded as planted if during the current year or either one of the two preceding years the acreage actually planted or devoted to the commodity on the farm (or regarded as planted because of participation in the soil bank) was 75 percent or more of the farm allotment, and to authorize the transfer of unused cotton acreage allotments to other farms, first within each county, and then within the State. Approved August 18, 1959 (Public Law 86-172, 86th Congress).





*Aug. 24, 1959*

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12. PUBLIC LANDS; WILDLIFE. The Judiciary Committee reported without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses or burros on public lands (S. Rept. 802). p. 15358
13. ACCOUNTING; ALLOTMENTS. Received from this Department a report on the over-obligation of an allotment under the school lunch program. p. 15357
14. APPROPRIATIONS. Received from the President a supplemental appropriation estimate for various agencies (does not include any estimate for this Department). p. 15357
15. WATERSHEDS. Both Houses received from the Budget Bureau a report on plans for works of improvement on the following watersheds: Blackberry River and N. Branch Park River, Conn., Taylor Creek, Fla., Potato Creek, Ga., Crab Orchard Creek, Ky., East Fork of Clarks River, Ky. and Tenn., SuAsCo, Mass., Bowman-Spring Branch, Nebr., Santa Cruz River, N. Mex., Willakenzie area, Ore., Green-Dreher, Pa., and Caney Creek, Tex.; to S. Agriculture and Forestry and H. Agriculture Committees; and Caney-Coon Creek, Okla.; to Public Works Committees. pp. 15357, 15468
16. FOREIGN TRADE. Received from the Commerce Department a report on export control for the second quarter of 1959. p. 15357
- HOUSE
17. SMALL BUSINESS. Passed without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000. pp. 15419-23
18. VEHICLES. Began debate on H. R. 1341, to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards. pp. 15424-46
19. MINERALS; LANDS. Debated H. Con. Res. 177, declaring the sense of Congress on the depressed domestic mining and mineral industries affecting public and other lands. (pp. 15423-4, 15446-58). The resolution providing for the consideration of this measure was adopted earlier in the day (pp. 15423-4).
20. LANDS. The Agriculture Committee reported without amendment S. 1453, to authorize this Department to sell a tract of Forest Service land to Keosauqua, Iowa (H. Rept. 965); S. 1521, to provide for the removal of the restriction on use with respect to a certain tract of land in Cumberland County, Tenn. (H. Rept. 966); and with amendment H. R. 6669, to provide that the Louisiana State University may use certain real property heretofore conveyed to it for general educational purposes (H. Rept. 976). pp. 15468-9
21. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4279, to construct and maintain the lower Rio Grande rehabilitation project, Texas (H. Rept. 971), and without amendment H. R. 4952, to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands (H. Rept. 973). pp. 15468-9

22. WHEAT. The Agriculture Committee reported without amendment H. R. 4874, to provide for preserving wheat acreage history on farms on which the farm marketing excess is adjusted to zero because of underproduction (H. Rept. 972). pp. 15468-9
23. RESEARCH; FISHERIES. The Merchant Marine and Fisheries Committee reported with amendment H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters (H. Rept. 974); and without amendment H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources (H. Rept. 975). p. 15469
24. SOIL BANK. The Agriculture Committee reported with amendment H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval (H. Rept. 977). p. 15469
25. AGRICULTURAL ATTACHES. The Agriculture Committee reported without amendment H. R. 8074, to permit the assignment of agricultural attaches to duty in the U. S. for a maximum of four years without reduction in grade (H. Rept. 978). p. 15469
26. TARIFFS; EXHIBITS. The Ways and Means Committee reported with amendment H. R. 6249, to liberalize the tariff laws for works of art and other exhibition material (H. Rept. 984). p. 15469
27. PERSONNEL. The report of the House Post Office and Civil Service Committee in reporting S. 2162, to provide an employee health insurance program, summarizes the major provisions of the bill as follows:

"The reported bill makes basic and catastrophic health protection available to approximately 2 million Federal employees and their dependents. Employees will have free choice among health benefits plans in four major categories, including (1) a Government-wide service benefit plan, such as is offered by Blue Cross-Blue Shield, (2) a Government-wide indemnity benefit plan, such as is currently offered by several insurance companies, (3) one of several employee organization plans, such as the present health plans of the National Association of Letter Carriers and the National Federation of Post Office Clerks, and (4) a comprehensive medical plan, which may be either a group-practice prepayment plan (such as the Kaiser Foundation plan in California and the Group Health Association plan in Washington, D.C.) or an individual-practice prepayment plan (such as the Group Health Insurance plan in New York). The Government-wide service benefit plan and the Government-wide indemnity benefit plan each will include at least two levels of benefits.

"The reported bill retains the provisions of the Senate-passed bill (1) providing for 50 percent contribution by the Government to subscription charges and (2) establishing biweekly maximum contributions of \$1.75 for an individual employee, \$4.25 for an employee and family, and \$2.50 for a female employee and family including a non-dependent husband.

## WHEAT ACREAGE HISTORY

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AUGUST 24, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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) Mr. COOLEY, from the Committee on Agriculture, submitted the following

### R E P O R T

[To accompany H.R. 4874]

The Committee on Agriculture, to whom was referred the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of this bill is to correct an equitable situation which was inadvertently created by enactment in 1958 of Public Law 85-366. In that act, Congress amended the wheat marketing quota laws to prevent wheat producers who overplant their acreage from receiving credit for the excess acreage for history purposes. The purpose of this amendment is to correct an inadvertent omission in that law and to provide that a producer whose farm marketing excess is adjusted to zero because of underproduction will receive the same treatment as a producer who delivers to the Secretary or stores the farm marketing excess in accordance with applicable provisions of law. The purpose is explained in greater detail in the letter from the Department of Agriculture set out below.

#### COST

There would be no additional expense involved in carrying out the provisions of this bill.

## DEPARTMENTAL APPROVAL

Enactment of the bill was recommended by the Department of Agriculture in the following letter, which also explains in some detail the need for the legislation.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., April 9, 1959.*

Hon. HAROLD D. COOLEY,  
*Chairman, Committee on Agriculture,  
House of Representatives.*

DEAR CONGRESSMAN COOLEY: This is in reply to your request of February 26, 1959, for a report on H.R. 4874, a bill to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm-marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm-marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

This Department recommends the enactment of H.R. 4874.

This bill would amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for the purpose of establishing future acreage allotments for States, counties, and farms, the past acreage of wheat for any farm on which the farm-marketing excess is adjusted to zero because of underproduction shall be regarded as a farm on which the entire amount of the farm-marketing excess has been delivered to the Secretary, or stored in accordance with applicable regulations to avoid or postpone payment of the penalty.

The effect of this bill would be to prevent the loss of acreage history on farms having an acreage of wheat in excess of the allotment and in excess of 15 acres, but which did not produce a quantity of wheat in excess of the marketing quota established for the farm. Under the amendments to section 334 of the Agricultural Adjustment Act of 1938, as amended, passed by the 85th Congress, the acreage history for a farm seeding in excess of the wheat acreage allotment is considered to be the allotment on the farm, unless the farm-marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty.

A strict interpretation of these provisions results in the allotment being the acreage history for a farm seeding in excess of the allotment but having no farm marketing excess because of underproduction. Thus, the application of the existing provisions of law accords less favorable treatment to such producers than is accorded to producers who exceeded their allotment and had a marketing excess which was delivered to the Secretary or stored to avoid or postpone payment of the penalty. It is only equitable to extend to producers of wheat who exceeded their allotments and 15 acres, but who had no marketing excess, the same opportunity to preserve wheat acreage history as is now accorded producers who exceed their allotments and have a marketing excess which they delivered to the Secretary or store to avoid or postpone payment of the penalty.

There will be no additional expense involved in carrying out the provisions of this bill.

We are advised by the Bureau of the Budget that there is no objection to submission of this report.

Sincerely yours,

TRUE D. MORSE,  
*Acting Secretary.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

\* \* \* \* \*

##### APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT

SEC. 334. (a) The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period: *Provided*, That in establishing State acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for 1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing State wheat acreage allotments subsequent to such depletion the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed.

(b) The State acreage allotment for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment as provided in subsection (c) of this section, shall be apportioned by the Secretary among the counties in the State, on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allot-

ment is determined (plus in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practice: *Provided*, That in establishing county acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for 1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing county acreage allotments subsequent to such depletion, the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year.

(c) The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. Not more than 3 per centum of the State allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. For the purpose of establishing farm acreage allotments—(i) the past acreage of wheat on any farm for 1958 shall be the base acreage determined for the farm under the regulations issued by the Secretary for determining 1958 farm wheat acreage allotments; (ii) if subsequent to the determination of such base acreage the 1958 wheat acreage allotment for the farm is increased through administrative, review, or court proceedings, the 1958 farm base acreage shall be increased in the same proportion; and (iii) the past acreage of wheat for 1959 and any subsequent year shall be the wheat acreage on the farm which is not in excess of the farm wheat acreage allotment, plus, in the case of any farm which is in compliance with its farm wheat acreage allotment, the acreage diverted under such wheat allotment programs: *Provided*, That for 1959 and subsequent years in the case of any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, the past acreage of wheat for the year in which such farm marketing excess is so delivered or stored shall be the farm base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing farm wheat acreage allotments subsequent to such depletion the past acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year.

[(d) (Repealed by Public Law 85-835, 72 Stat. 988, August 28, 1958.)]

(d) For the purposes of paragraphs (a), (b), and (c) of this section, any farm on which the farm marketing excess is adjusted to zero because of underproduction pursuant to regulations implementing paragraph (12) of section 1340 of title 7 of the United States Code (7 U.S.C. 1340(12)), shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty.

(e) Notwithstanding any other provision of this Act, the Secretary shall increase the farm marketing quotas and acreage allotments for the 1957 crop of wheat for farms located in counties in the States of North Dakota, Minnesota, Montana, South Dakota, and California, designated by the Secretaries as counties which (1) are capable of producing durum wheat (class II) and (2) have produced such wheat for commercial food products during one or more of the five years 1952 through 1956. The increase in the wheat acreage allotment for any farm shall be conditioned upon the production of durum wheat (class II) on such increased acreage. The increased allotment shall be determined by adding to the allotment established without regard to this subsection (hereinafter referred to as the "original allotment") an acreage equal to the acreage by which the original allotment exceeds the 1957 acreage on the farm of classes of wheat other than durum wheat (class II) (hereinafter referred to as "other wheat"), but such increased allotment shall not exceed the smaller of the cropland on the farm well suited to wheat or the wheat acreage on the farm: *Provided*, That for the purposes of this subsection (1) the original allotment for each farm shall be not less than fifteen acres, and (2) varieties of class II (durum wheat) known as "Golden Ball" and "peliss" shall be regarded as "other wheat". Notwithstanding any other provision of this subsection, (1) no acreage allotment shall be increased under this subsection by more than sixty acres, and (2) no acreage allotment shall be increased under this subsection for any farm on which the producer knowingly devotes to the production of other wheat an acreage in excess of the acreage allotment established without regard to this subsection (and particularly without regard to clause (1) of the foregoing proviso).

The increases in wheat acreage allotments authorized by this subsection shall be in addition to the National, State, and county wheat acreage allotments, and the average of durum wheat (class II) on such increased allotments shall not be considered in establishing future State, county and farm acreage allotments.

The provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), and section 326(b) of this Act, relating to the reduction of the storage amount of wheat shall apply to the allotment for the farm established without regard to this subsection and not to the increased allotment under this subsection.

For the purpose of applying section 103(a)(1) of the Soil Bank Act (relating to participation in the acreage reserve) to any farm receiving an increased allotment under this subsection—

(1) the "farm acreage allotment" shall be the allotment established without regard to this subsection and not the increased allotment under this subsection, and

(2) each acre planted to durum wheat (class II) shall count as one-half acre of wheat.

For the purposes of this subsection "wheat acreage on the farm" shall include acreage in the wheat acreage reserve.

(f) Any part of any 1955, 1956, or 1957 farm wheat acreage allotment on which wheat will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the allotment to such farm and may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of wheat tillable acres, crop rotation practices, type of soil, and topography. If all of the allotted acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for the same purposes as the State acreage reserve under subsection (c) of this section. Any allotment transferred under this provision shall be regarded for the purposes of subsection (c) of this section as having been planted on the farm from which transferred rather than on the farm to which transferred, except that this shall not operate to make the farm from which the allotment was transferred eligible for an allotment as having wheat planted thereon during the three-year base period: *Provided*, That notwithstanding any other provisions of law, any part of any 1955, 1956, or 1957 farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided herein. Acreage surrendered, reapportioned under this subsection, and planted shall be credited to the State and county in determining future acreage allotments.

(g) If the county committee determines that any producer is prevented from seeding wheat for harvest as grain in his usual planting season because of unfavorable weather conditions, and the operator of the farm notifies the county committee not later than December 1 in any area where only winter wheat is grown, or June 1 in the spring wheat area (including an area where both spring and winter wheat are grown), that he does not intend to seed his full wheat allotment for the crop year because of the unfavorable weather conditions, the entire farm wheat allotment for such year shall be regarded as wheat acreage for the purposes of establishing future State, county, and farm acreage allotments: *Provided*, That if any producer on a farm obtains a reduction in the storage amount of any previous crop of wheat by reason of underplanting the farm wheat acreage allotment pursuant to paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), or by reason of producing less than the normal production of the farm wheat acreage allotment pursuant to section 326(b) of this Act, this provision may not be made applicable to such farm with respect to the crop of wheat for which the farm acreage allotment was established.

(h) Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section. The planting on a farm in the commercial wheat-producing area of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an

old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection.

(i) Notwithstanding any other provision of this Act the Secretary shall increase the acreage allotments for the 1958 and 1959 crops of wheat for farms in the irrigable portion of the area known as the Tulelake division of the Klamath project of California located in Modoc and Siskiyou Counties, California, as defined by the United States Department of Interior, Bureau of Reclamation, and herein-after referred to as the area. The increase for the area for each such crop shall be determined by adding to the total allotments established for farms in the area for the particular crop without regard to this subsection, hereinafter referred to as the original allotments, an acreage sufficient to make available for each such crop a total allotment of eight thousand acres for the area. The additional allotments made available by this subsection shall be in addition to the National, State and county allotments otherwise established under this Act, but the acreage planted to wheat pursuant to such increased allotments shall be taken into account in establishing future State, county, and farm acreage allotments. The Secretary shall apportion the additional allotment acreage made available under this subsection between Modoc and Siskiyou Counties on the basis of the relative needs for additional allotments for the portion of the area in each county. The Secretary shall also allot such additional acreage to individual farms in the area for which an application for an increased acreage is made on the basis of tillable acres, crop rotation practices, type of soil and topography, and taking into account the original allotment for the farm, if any. No producer shall be eligible to participate in the wheat acreage reserve program with respect to any farm for any year for which such farm receives an additional allotment under this subsection; and no wheat produced on such farm in such year shall be eligible for price support. The increase in the wheat acreage allotment for any farm under this subsection shall be conditioned upon the production of durum wheat (class II) on such increased acreage.





86TH CONGRESS  
1ST SESSION

# Union Calendar No. 426

# H. R. 4874

[Report No. 972]

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1959

Mr. SMITH of Kansas introduced the following bill; which was referred to the Committee on Agriculture

AUGUST 24, 1959

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

- 1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2       That section 334 of the Agricultural Adjustment Act of
- 3       1938, as amended, is further amended by inserting a new
- 4       paragraph (d) between paragraphs (c) and (e) to read as
- 5       follows:
- 6             “(d) For the purposes of paragraphs (a), (b), and

1 (c) of this section, any farm on which the farm marketing  
2 excess is adjusted to zero because of underproduction pur-  
3 suant to regulations implementing paragraph (12) of sec-  
4 tion 1340 of title 7 of the United States Code (7 U.S.C.  
5 1340(12)), shall be regarded as a farm on which the entire  
6 amount of the farm marketing excess has been delivered to  
7 the Secretary or stored in accordance with applicable regula-  
8 tions to avoid or postpone the payment of the penalty."



86TH CONGRESS..  
1ST SESSION  
**H. R. 4874**

[Report No. 972]

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**A BILL**

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

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By Mr. SMITH of Kansas

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FEBRUARY 23, 1959

Referred to the Committee on Agriculture

AUGUST 24, 1959

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Aug 31, 1959

10. WHEAT. Passed without amendment H. R. 4874, to provide that farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty. p. 15991.
11. WATERSHEDS. Passed without amendment H. R. 4781, to make the provisions of the Watershed Protection and Flood Prevention Act applicable to the 11 major watershed projects included in the watershed improvement programs authorized by the Flood Control Act of 1944. p. 15997.
12. RECLAMATION. Passed without amendment S. 1221, to amend the act authorizing the Crooked River Federal reclamation project, Ore., in order to increase the capacity of certain project features for future irrigation of additional lands. A similar bill (H. R. 4952) was tabled. This bill will now be sent to the President. p. 15991.
13. AGRICULTURAL ATTACHES. Passed over, at the request of Rep. Gross, H. R. 3074, to permit the assignment of agricultural attaches to duty in the U. S. for a maximum of four years without reduction in grade. pp. 15993-4.
14. AREA REDEVELOPMENT. Rep. Anderson, Mont., urged enactment of area redevelopment legislation. p. 16000.
15. RESEARCH. As reported by the Agriculture Committee (see Digest 147), H. R. 3639 provides as follows: Creates an independent agency in the executive branch, the Agricultural Research and Development Commission, to consist of 7 members appointed by the President subject to Senate confirmation. Provides that the Commission would appraise agriculture's research needs and opportunities, including the effectiveness of the current research program, and would recommend areas of research which should be initiated, expanded, redirected, or terminated. The Commission would also review the organizational structure of the Department with regard to research administration and make recommendations to the Secretary for any changes as would strengthen the program. The Executive Director of the Commission would be appointed by the Secretary from nominees of the Commission, but could be removed by the Commission. The Commission would make annual reports to the Secretary and the Congress, with industrial utilization receiving special emphasis. The bill authorizes the Department to (a) make contracts with and grants to public and private agencies for the conduct of research to implement the bill, including experimental commercialization of new crops and new uses for agricultural products; and (b) to grant exclusive licenses for a fixed period not in excess of 5 years for the use of patents under control of the Department. The National Research Advisory Committee would be abolished.
16. POULTRY. Rep. Marshall stated that from a farmer's standpoint, the egg price and income situation is "admittedly worse now" than it was in 1950 and termed it "ironical" that past "experience with eggs should be so completely ignored and misunderstood by a Republican administration" and by implication criticized the Secretary for not favoring some type of price supports for eggs. pp. 16001-3.
17. ELECTRIFICATION. Rep. Alger stated that it was not logical to assume that most farmers would be without electric service had it not been for REA, criticized ill-advised and questionable loans to power type electric cooperatives, to pay for unnecessary duplication of utility services in areas served by taxpaying

- corporations," contended that it would be in the public interest for Congress to help farmers in establishing a self-financing and farmer-operated electrification program. Rep. Kasem and others debated the subject. pp. 16011-5
18. ECONOMIC DEVELOPMENT; PRICES. Rep. Johnson, Colo., and others discussed certain economic policies adhered to by Congress and the Administration, and Rep. Johnson urged support for the Clark-Reuss bill on price stability, which he said "puts the spotlight of publicity on price rises." pp. 16003-11.
19. PUBLIC WORKS APPROPRIATIONS FOR 1960. Received President's veto message on this bill, H. R. 7509 (H. Doc. 222). pp. 15969-70.  
Rep. Roush urged that Congress vote to override the President's veto of the public works appropriation bill (p. 16003). Rep. Curtis announced that although he was in sympathy with those wishing to override the veto, he would vote to sustain the President because of the over-all fiscal and budgetary implications of the proposed Federal expenditures in the bill. Rep. Johnson, Colo., contested the point. (pp. 16015-6,
20. COCONUT OIL. Passed over, at the request of Rep. Boland, H. J. Res. 441, relating to the disposition of coconut oil from the national stockpile under the Strategic and Critical Materials Stockpiling Act. p. 15973.
21. WILDLIFE. Passed over, at the request of Rep. Thomson, Wyo., H. R. 2565, to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations. p. 15977.  
Passed over, at the request of Rep. Rivers, H. R. 7045, to authorize the establishment of the Arctic Wildlife Range, Alaska. p. 15977.
22. VEHICLES. Passed over, at the request of Rep. Gross, H. R. 766, relating to the penalties for the use of Government-owned vehicles for other than official purposes. p. 15978.
23. SURPLUS PROPERTY. Passed as reported H. R. 3722, to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer firefighting organizations. pp. 15978-80.
24. FORESTRY; INDIANS. Passed without amendment S. 2421, to amend the Klamath Indian Termination Act so as to change from Apr. 1, 1961 to the earliest date after Sept. 30, 1959, the time after which the U. S. may take title to the Klamath Marsh and make payments to the Klamath Indians for the land. A similar House bill, H. R. 8501, was laid on the table. (p. 15980). This bill will now be sent to the President.
25. LANDS. Passed without amendment S. 1453, to authorize the Secretary of Agriculture to sell and convey certain forest lands in Iowa to the city of Keosauqua (pp. 15988-9). This bill will now be sent to the President.  
Passed without amendment S. 1521, to authorize the Secretary of Agriculture to convey to Tennessee all right, title and interest remaining in the U. S. in a tract of land in Cumberland County, Tenn. Rep. Evins stated that this bill "will permit the State of Tennessee to make more effective and efficient public use of 14.36 acres of a larger tract of land conveyed to the State... in 1933" (p. 15989). This bill will now be sent to the President.

With the following committee amendment:

Page 2, following line 8, add a new section to read as follows:

"SEC. 3. This Act shall become effective upon agreement by the Fort McDermitt Paiute and Shoshone Tribe of Indians to eliminate from their suit now pending before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), any claim based on alleged inadequate compensation for the lands involved in this Act and to renounce any other claim they may have with respect thereto. If the lands involved herein are not embraced within said suit, the transfer hereby authorized shall be considered by way of offset under section 2 of said Act. Nothing contained in this Act shall be construed as an admission of liability on the part of the United States with respect to these or any other lands."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WHEAT ACREAGE HISTORY

The Clerk called the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOSEVELT. Mr. Speaker, reserving the right to object, I would like to ask a question. I am looking at the report and under "Purpose" it says the purpose of this bill is to correct an equitable situation. If we have to correct equitable situations around here, I would like somebody to explain the purpose of the bill.

Mr. SMITH of Kansas. Mr. Speaker, this bill is an effort to do a little justice on base acreage. A farmer has a certain allotment and if he overplants the allotment he must pay a penalty when he harvests. If he has a storm and does not raise the number of bushels he should, he is penalized too. The man who raises his wheat and markets it does not pay a penalty. It is only the man who by hail storm or some other disaster has less acreage in his base.

Mr. ROOSEVELT. I have such good respect for my friend that I think what he means is "an inequitable" situation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new paragraph (d) between paragraphs (c) and (e) to read as follows:*

"(d) For the purposes of paragraphs (a), (b), and (c) of this section, any farm on

which the farm marketing excess is adjusted to zero because of underproduction pursuant to regulations implementing paragraph (12) of section 1340 of title 7 of the United States Code (7 U.S.C. 1340 (12)), shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### THE CROOKED RIVER FEDERAL RECLAMATION PROJECT, OREGON

The Clerk called the bill (H.R. 4952) to amend the act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WEAVER. Mr. Speaker, reserving the right to object, and I do not intend to object, I wonder if the gentleman from Oregon, author of the bill, would take a moment to clear for the record the extenuating circumstances which necessitate the continuing of this project by this legislation without a feasibility report being first submitted to the Congress.

Mr. ULLMAN. Mr. Speaker, this involves an enlargement of the canal on a reclamation project, the Crooked River Federal reclamation project in Oregon, now under construction. This is a matter of great urgency. The reclamation project itself contains some 51,000 acre-feet of water and this involves an extension of the project by an additional 2,900 acres which would receive a portion of this surplus water supply.

I called the Commissioner of Reclamation, Mr. Dominy, this morning in reference to this matter because I knew of its urgency, and I knew that the gentleman would be interested in the feasibility report. Mr. Dominy authorized me to make the following statement:

With respect to H.R. 4952, we have examined the findings of engineering and economic feasibility that will be embodied in the report on the Crooked River extension and have found them completely satisfactory.

The only reason this extension was not incorporated in the original plan was because of the matter of timing. As far as the Bureau is concerned, there remains only the matter of putting the report into final form.

He has assured me that this matter is feasible and they are very anxious that the bill be approved because they have to let contracts within the next few weeks.

Mr. WEAVER. I would like to say to the gentleman I have also talked to the Commissioner of Reclamation, Mr. Floyd Dominy, and he wholeheartedly agrees with the gentleman's statement. I withdraw my reservation, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 1221) to provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon," approved August 6, 1956 (70 Stat. 1058), is amended by adding to that section the following: "The Secretary of the Interior is hereby authorized to construct extra capacity in the canal below said reservoir and pumping plants located on the canal for the future irrigation of approximately three thousand acres of land, in addition to the presently proposed development, and to recognize the cost of providing such extra capacity as a deferred obligation to be paid under arrangements to be made at such time as the additional area may be brought into the project."*

Sec. 2. There are hereby authorized to be appropriated such sums, in addition to the sum of \$6,339,000 authorized to be appropriated for the Crooked River Federal reclamation project in section 5 of the Act of August 6, 1956 (70 Stat. 1058), as may be required to carry out the purposes of this Act.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 4952) was laid on the table.

A motion to reconsider was laid on the table.

#### LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE LANDS

The Clerk called the bill (H.R. 6669) to amend the act of July 14, 1945, to provide that the Louisiana State University and Agricultural and Mechanical College may use certain real property heretofore conveyed to it by the United States for general educational purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to transfer certain lands situated in Rapides Parish, Louisiana, to board of supervisors of Louisiana State University and Agricultural and Mechanical College", approved July 14, 1945 (59 Stat. 468), is amended by striking out "for the establishment and maintenance of an agricultural and vocational school" and by inserting in lieu thereof the following: "for educational purposes".*

Sec. 2. The Secretary of Agriculture shall execute such instruments in writing as may be necessary to carry out the amendments made by the first section of this Act.

With the following committee amendment:

Page 2, line 3, strike out lines 3 through 5 and insert the following:

"Sec. 2. The Secretary of Agriculture is authorized and directed upon written consent of the Louisiana Rural Rehabilitation Corporation, to execute such quitclaim deed or other instruments in writing as may be necessary to carry out the amendment made by the first section of this Act.

"Sec. 3. Public Law 41, 82d Congress, approved May 29, 1951 (65 Stat. 46), which provided for transfer of 25 acres of the subject property to the Police Jury of the Parish of Rapides, is hereby repealed since such transfer was not made because the proposed transferee made other arrangement for holding livestock and agricultural expositions."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EQUITY UNDER SOIL BANK CONTRACTS

The Clerk called the bill (H.R. 8043) to amend the Agricultural Act of 1956.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 2457) to amend the act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands be considered in lieu of H.R. 8043.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

Mr. FORRESTER. Mr. Speaker, reserving the right to object, and I shall not object, I would like to ask my distinguished colleague, the gentleman from Minnesota [Mr. MARSHALL], a few questions, if he would be kind enough to answer them for me.

Mr. MARSHALL. Certainly.

Mr. FORRESTER. First, I want to say to the gentleman that I know he is the author of H.R. 8043, which is the bill that is going to be dispensed with by substituting therefore the Senate bill S. 2457. I want to compliment the gentleman on the bill that he introduced, H.R. 8043, and I want to say to the gentleman that I have looked over the Senate bill here, and so far as I can see the only difference in the House bill that the gentleman introduced is the provision for payment is made mandatory, whereas in the Senate bill the discretion is in the Secretary of Agriculture.

Mr. MARSHALL. Mr. Speaker, if the gentleman will yield, I would like, first, to thank the gentleman for his kind remarks. The Senate bill and the House bill were very similar, as I have stated,

when I asked for unanimous consent that the Senate bill be substituted. It is true that the House bill language was mandatory, but the Senate report relieves any anxiety which anybody might have on that score. So, I am sure, so far as the bills are concerned, that the two bills are comparable and would accomplish exactly the same purpose.

Mr. FORRESTER. As I understand it now, the purpose of the Senate bill is the same as the House bill, H.R. 8043, as is set out in the report which accompanies H.R. 8043, where it is entitled "Purpose of the bill"; is that correct?

Mr. MARSHALL. That is correct.

Mr. FORRESTER. Now, I notice in the report from the Senate committee on the Senate bill there are several instances that they refer to which have already occurred and which they say will be covered by this legislation, if passed. In other words, the bill, by its very nature, to cover those transactions the bill is naturally retroactive.

Mr. MARSHALL. That is correct. It was the purpose of the authors of these two bills, and it was also the purpose of the report from the Department of Agriculture and the report from the Committee on Agriculture, which was unanimous, that they be retroactive.

Mr. FORRESTER. Now I would like to ask the gentleman this question. This question is based upon certain hard facts which have occurred down in the district in Georgia which I have the privilege of representing. It involves two of my constituents, Mr. J. H. Daniel and his son, down in Pulaski County, Ga. Their applications under this program had been approved by the local ASC office; approved by inspectors of the State ASC office, and by the State ASC office and payments authorized to them, and payments were made under the terms of the program. Later they, the Daniels, were advised that they had been paid \$2,929 too much, and a claim for that amount was placed in the county debt register. Now, these two constituents of mine, for many reasons, paid that amount of \$2,929 which was set out in the county debt register. Now, under the terms of this Senate bill, they would be authorized to file their claim with the Secretary and they are not barred by reason of the fact that they have paid that money; is that correct?

Mr. MARSHALL. I am sure that under the purposes of this bill they would not be discriminated against in any way, and were their claims just, under the provisions of this bill, they would be covered by this legislation. The matter referred to may have resulted from the fact that they may have received some misinformation, which undoubtedly is the case.

Mr. FORRESTER. In other words, in the case I just narrated to you, to inquire into such and reimburse if proper, is one of the prime purposes for this legislation.

Mr. MARSHALL. The gentleman is absolutely correct.

Mr. FORRESTER. I withdraw my reservation of objection, Mr. Speaker.

Mr. AVERY. Mr. Speaker, I withdraw my reservation on the substitution,

but I still have a pending objection on the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section:*

"SEC. 128. Notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable in order to provide fair and equitable treatment, pay a producer compensation under the acreage reserve or conservation reserve program which he otherwise would not be entitled to receive because the contract, application therefor, action, or conduct of the producer is—

"(1) not in conformity with the provisions of the program, or

"(2) less favorable to the producer than would have been the case if it had been based on correct information, or

"(3) based on an understanding that payment would be forthcoming in an amount in excess of that permitted by the program, if it is established to the satisfaction of the Secretary that the contract, application, action, or conduct of the producer was the result of relying in good faith on the erroneous approval of such contract, application, action, or conduct by, or on the erroneous advice, determination, or computation of, an authorized representative of the Secretary."

Mr. MARSHALL. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL: At the end of the Senate bill, strike out the quotation marks and add the following:

"No contract heretofore or hereafter entered into shall be modified, invalidated, or changed because of the marriage of any two contracting parties."

Mr. MARSHALL. Mr. Speaker, this is a committee amendment. There is no controversy over it and I recommend that it pass.

(Mr. CARNAHAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CARNAHAN. Mr. Speaker, I rise in support of H.R. 8043 introduced by my colleague the gentleman from Minnesota [Mr. MARSHALL], and I commend him for the work he has done in clearing up a perplexing problem. This bill directs the Secretary of Agriculture to pay producers compensation under the acreage reserve or conservation reserve program which the Secretary has ruled is not permitted under the law. These cases involve contracts made by producers who relied in good faith on erroneous advice of an authorized representative of the Secretary.

I introduced H.R. 8443, a similar bill this Congress and feel strongly that this legislation should be passed. A great number of producers throughout the United States have suffered extreme hardship and will continue to be unfairly treated without this legislation. In one county in the Eighth Congressional District of Missouri, there are more than 20 producers who are being asked by the Department of Agriculture to make refunds as the result of an audit made of





86<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 4874

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 1 (legislative day, AUGUST 31), 1959

Read twice and referred to the Committee on Agriculture and Forestry

---

**AN ACT**

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 334 of the Agricultural Adjustment Act of  
4       1938, as amended, is further amended by inserting a new  
5       paragraph (d) between paragraphs (c) and (e) to read as  
6       follows:

1        "(d) For the purposes of paragraphs (a), (b), and  
2        (c) of this section, any farm on which the farm marketing  
3        excess is adjusted to zero because of underproduction pur-  
4        suant to regulations implementing paragraph (12) of sec-  
5        tion 1340 of title 7 of the United States Code (7 U.S.C.  
6        1340(12)), shall be regarded as a farm on which the entire  
7        amount of the farm marketing excess has been delivered to  
8        the Secretary or stored in accordance with applicable regu-  
9        lations to avoid or postpone the payment of the penalty."

Passed the House of Representatives August 31, 1959.

Attest:

RALPH R. ROBERTS,

*Clerk.*



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## AN ACT

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

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SEPTEMBER 1 (legislative day; August 31), 1959

Read twice and referred to the Committee on Agriculture and Forestry





IN THE SENATE OF THE UNITED STATES

SEPTEMBER 2 (legislative day, AUGUST 31), 1959

Referred to the Committee on Agriculture and Forestry and ordered to be printed

---

**AMENDMENT**

Intended to be proposed by Mr. ANDERSON to the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, viz: On page 2, line 8, insert the following:

1        SEC. 2. Section 347 (b) of the Agricultural Adjustment  
2 Act of 1938, as amended, is amended by striking out the  
3 period at the end thereof and inserting a colon and the fol-  
4 lowing: "*Provided, however,* That the national marketing  
5 quota for the 1960 crop of such cotton shall not be less than  
6 90 per centum of the 1959 marketing quota for such cotton."

# H. R. 4874

## AMENDMENT

Intended to be proposed by Mr. Anderson to the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

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SEPTEMBER 2 (legislative day, August 31), 1959

Referred to the Committee on Agriculture and Forestry  
and ordered to be printed

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# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

### CONTENTS

Issued February 18, 1960  
For actions of February 17, 1960  
86th-2d, No. 27

Acreage allotments.....	4
Appropriations.....	9
Area redevelopment.....	15
Atomic energy.....	25
CCC.....	8
Contracts.....	7
Drought relief.....	8
Electrification.....	12
Exports.....	20
Farm labor.....	6
Farm program.....	19, 24, 28
ederal aid.....	17, 22
Foreign aid.....	16
Foreign currencies.....	21
Foreign trade.....	11, 20
Future farmers.....	18
Hawaii.....	31
Interest rates.....	13, 27

Lands.....	23
Law revision.....	31
Milk.....	1
Payrolling.....	10
Personnel.....	10, 26
Postal rates.....	29
Public debt.....	13, 27
Public Law 480.....	21
Recreation.....	32
Rice quotas.....	2
Special milk.....	1
Taxation.....	10, 14
Transportation.....	14
Water compact.....	30
Weather.....	5
Wheat.....	3

HIGHLIGHTS: Senate committee voted to report bill to increase authorization for special milk program. Senate committee reported bill to require marketing quotas for rice. Sen. Murray and others introduced and Sen. Murray discussed the Hawaii omnibus bill.

### SENATE

1. SPECIAL MILK. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendment H. R. 9331, to increase the authorized maximum expenditure for the special milk program for the fiscal years 1960 and 1961. p. D114
2. RICE MARKETING QUOTAS. The Agriculture and Forestry Committee reported without amendment H. R. 7889, to require marketing quotas for rice when the total supply of rice exceeds the normal supply (under present law marketing quotas go into effect when the normal supply is exceeded by 10 percent ) (S. Rept. 1092). p. 2475
3. WHEAT. The Agriculture and Forestry Committee reported with amendment H. R. 4874, to provide that farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which

the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty (S. Rept. 1094). p. 2475

The "Daily Digest" states that the "Committee announced that it will resume hearings on pending wheat legislation as soon as possible." p. D114

4. ACREAGE ALLOTMENTS. The Agriculture and Forestry Committee reported with amendment H. R. 8343, to require the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain (S. Rept. 1093). p. 2475
5. WEATHER. The Rules and Administration Committee reported S. Res. 262, authorizing the printing of a report on cold-weather agriculture as a document. p. 2475
6. FARM LABOR. The Rules and Administration Committee reported S. Res. 267, authorizing the Labor and Public Welfare Committee to make a study of all matters pertaining to migratory labor. p. 2475
7. GOVERNMENT CONTRACTS. During the debate on civil rights legislation, Sen. Dirkson submitted an amendment to the bill containing various civil rights proposals, including a proposal to establish a Commission on Equal Job Opportunity Under Government Contracts. The proposal provides that the "Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to ... nondiscrimination in employment." pp. 2488-91
8. DROUGHT RELIEF; CCC. Sen. Williams, Del., inserted his statement and a statement of the Justice Department announcing that Attorney General Rogers "had approved a settlement of Government claims against 14 railroads, arising out of freight charges on shipments by Commodity Credit Corporation of feed for cattle to southwestern drought areas in 1953," under which the Government will receive approximately \$124,000 in refunds on these freight claims. The claims arose over excessive charges by the railroads for the shipment of cottonseed pellets which had been shipped to mills for processing before shipment to the drought areas. pp. 2487-8

HOUSE

9. APPROPRIATION. Agreed to a request by Rep. Cannon to allow the Appropriations Committee until midnight Fri., Feb. 19, to file a report on the Treasury and Post Office appropriation bill for 1961. p. 2539
10. PERSONNEL; TAXATION. Passed, with amendments, H. R. 3151, authorizing the Federal government to withhold income taxes imposed by certain cities from the salaries of Federal employees. (pp. 2541-57) Agreed to an amendment by Rep. Green making this withholding applicable in towns of 50,000 or more, instead of 75,000 or more as in the original bill. (pp. 2553-4) Agreed to an amendment by Rep. Schenck which makes the provision of the bill applicable to persons "who are subject to such tax and whose regular place of Federal employment is at a Federal installation ... within the same State as the city if any part of such installation is located within five miles of the corporate limits of such city." (pp. 2554-5) Rejected an amendment by Rep. Miliken making the provisions of the bill applicable to any political subdivision. (p. 2554)

# Calendar No. 1137

86TH CONGRESS  
2d Session }

SENATE {

REPORT  
No. 1094

## AMENDING SECTION 334 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

FEBRUARY 17 (legislative day, FEBRUARY 15), 1960.—Ordered to be printed

) Mr. SCHOEPPEL, from the Committee on Agriculture and Forestry,  
submitted the following

### R E P O R T

[To accompany H.R. 4874]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill, which is identical to S. 1580 introduced by Senator Schoeppele, would prevent the farm, county, and State from losing wheat acreage history when the farm exceeds its acreage allotment but does not produce a marketing excess.

Under section 334 of the Agricultural Adjustment Act of 1938, as amended by Public Law 85-366, the farm, county, and State lose diverted acreage credit for 1959 and subsequent years if the farm acreage allotment is exceeded for those years and the marketing excess is not delivered to the Secretary or stored to avoid penalty. Under paragraph (12) of Public Law 74, 77th Congress, there is no marketing excess when the actual production for the farm does not exceed the normal production of the farm acreage allotment. Consequently, a producer who suffers a crop failure and has no marketing excess to store must bear an acreage history penalty which the producer who produces a marketing excess can avoid by storing his excess. This bill would correct this situation by providing that whenever the farm marketing excess is zero, it shall be deemed to have been delivered or stored to avoid penalty. The Department of Agriculture favors the bill.

## COMMITTEE AMENDMENT

The committee amendment to H.R. 4874 is technical only, making no change in substance. Its purpose is—

- (1) to make the bill applicable even though changes in the wheat law which have been proposed by the administration and favorably considered by the House and Senate should be adopted<sup>1</sup> and
- (2) to make it clear that it is not applicable to farms exempt from quotas (e.g., farms exempt under the 15-acre, 200-bushel, or feed wheat exemptions).

At present exempt farms cannot deliver or store their marketing excess to avoid marketing penalties or acreage history loss, since they are not subject to marketing penalties. H.R. 4874 was not intended to place them in a better position where by reason of underproduction they have no marketing excess.

Except for the last two sentences of the committee amendment, the committee amendment is identical to section 3(b) of the conference substitute for S. 1968 approved by the Senate last year. The two additional sentences make it clear that the bill does not apply to farms granted feed wheat exemptions, and that the bill will be effective to determine acreage history for 1959 and subsequent years in computing allotments for 1961 and subsequent years. The 1961 allotments will be the first to include 1959 history in the allotment base. The Department advises informally that if the bill should not be passed prior to April 1, it would be difficult to apply the bill in computing 1961 allotments, and that in such case it might be advisable to change "1962" in the next to last sentence of the subcommittee amendment to "1962".

## DEPARTMENTAL APPROVAL

Attached is a letter from the Department of Agriculture recommending enactment of S. 1580, an identical bill.

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., April 9, 1959.

Hon. ALLEN J. ELLENDER,  
Chairman, Committee on Agriculture and Forestry,  
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request of March 31, 1959, for a report on S. 1580, a bill to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

This Department recommends the enactment of S. 1580.

This bill would amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for the purpose of establishing future acreage allotments for States, counties, and farms, the past acreage of wheat for any farm on which the farm marketing excess

<sup>1</sup> The conference version of S. 1968 would have suspended paragraph (12) of Public Law 74, 77th Cong., and made the marketing excess of a noncomplying farm zero only when its production was zero. S. 2759, currently being considered by this committee, would have the same effect.

is adjusted to zero because of underproduction shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty.

The effect of this bill would be to prevent the loss of acreage history on farms having an acreage of wheat in excess of the allotment and in excess of 15 acres, but which did not produce a quantity of wheat in excess of the marketing quota established for the farm. Under the amendments to section 334 of the Agricultural Adjustment Act of 1938, as amended, passed by the 85th Congress, the acreage history for a farm seeding in excess of the wheat acreage allotment is considered to be the allotment on the farm, unless the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty.

A strict interpretation of these provisions results in the allotment being the acreage history for a farm seeding in excess of the allotment but having no farm marketing excess because of underproduction. Thus, the application of the existing provisions of law accords less favorable treatment to such producers than is accorded to producers who exceeded their allotment and had a marketing excess which was delivered to the Secretary or stored to avoid or postpone payment of the penalty. It is only equitable to extend to producers of wheat who exceeded their allotments and 15 acres, but who had no marketing excess, the same opportunity to preserve wheat acreage history as is now accorded producers who exceed their allotments and have a marketing excess which they delivered to the Secretary or stored to avoid or postpone payment of the penalty.

There will be no additional expense involved in carrying out the provisions of this bill.

We are advised by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

\* \* \* \* \*

#### APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT

SEC. 334. (a) The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined

(plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period: *Provided*, That in establishing State acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for 1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing State wheat acreage allotments subsequent to such depletion the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed.

(b) The State acreage allotment for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment as provided in subsection (c) of this section, shall be apportioned by the Secretary among the counties in the State, on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practice: *Provided*, That in establishing county acreage allotments the acreage seeded for the production of wheat plus the acreage diverted for 1959 and any subsequent year for any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty shall be the base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing county acreage allotments subsequent to such depletion, the seeded plus diverted acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year.

(c) The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. Not more than 3 per centum of the State allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing

years immediately preceding the marketing year in which the allotment is made. For the purpose of establishing farm acreage allotments—(i) the past acreage of wheat on any farm for 1958 shall be the base acreage determined for the farm under the regulations issued by the Secretary for determining 1958 farm wheat acreage allotments; (ii) if subsequent to the determination of such base acreage the 1958 wheat acreage allotment for the farm is increased through administrative, review, or court proceedings, the 1958 farm base acreage shall be increased in the same proportion; and (iii) the past acreage of wheat for 1959 and any subsequent year shall be the wheat acreage on the farm which is not in excess of the farm wheat acreage allotment; plus, in the case of any farm which is in compliance with its farm wheat acreage allotment, the acreage diverted under such wheat allotment programs: *Provided*, That for 1959 and subsequent years in the case of any farm on which the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, the past acreage of wheat for the year in which such farm marketing excess is so delivered or stored shall be the farm base acreage of wheat determined for the farm under the regulations issued by the Secretary for determining farm wheat acreage allotments for such year, but if any part of the amount of wheat so stored is later depleted and penalty becomes due by reason of such depletion, for the purpose of establishing farm wheat acreage allotments subsequent to such depletion the past acreage of wheat for the farm for the year in which the excess was produced shall be reduced to the farm wheat acreage allotment for such year.

[(d) (Repealed by Public Law 85-835, 72 Stat. 988, August 28, 1958.)]

(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

- (1) to which a wheat marketing quota is applicable; and
- (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and
- (3) on which the marketing excess is zero.

shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

\* \* \* \* \*









# Calendar No. 1137

86TH CONGRESS  
2D SESSION

# H. R. 4874

[Report No. 1094]

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 1 (legislative day, AUGUST 31), 1959

Read twice and referred to the Committee on Agriculture and Forestry

FEBRUARY 17 (legislative day, FEBRUARY 15), 1960

Reported by Mr. SCHOEPPEL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

---

## AN ACT

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       *That section 334 of the Agricultural Adjustment Act of*  
4       *1938, as amended, is further amended by inserting a new*  
5       *paragraph (d) between paragraphs (e) and (e) to read as*  
6       *follows:*

1       “(d) For the purposes of paragraph (a), (b), and  
2 (e) of this section, any farm on which the farm marketing  
3 excess is adjusted to zero because of underproduction pur-  
4 suant to regulations implementing paragraph (12) of sec-  
5 tion 1340 of title 7 of the United States Code (~~7 U.S.C.~~  
6 ~~1340(12)~~), shall be regarded as a farm on which the entire  
7 amount of the farm marketing excess has been delivered to  
8 the Secretary or stored in accordance with applicable regu-  
9 lations to avoid or postpone the payment of the penalty.”

10      That section 334 of the Agricultural Adjustment Act of  
11 1938, as amended, is further amended by inserting a new  
12 subsection (d) between subsections (c) and (e) to read as  
13 follows:

14       “(d) For the purposes of subsections (a), (b), and (c)  
15 of this section, any farm—

16           “(1) to which a wheat marketing quota is appli-  
17 cable; and

18           “(2) on which the acreage planted to wheat exceeds  
19 the farm wheat acreage allotment; and

20           “(3) on which the marketing excess is zero  
21 shall be regarded as a farm on which the entire amount of  
22 the farm marketing excess has been delivered to the Secretary  
23 or stored in accordance with applicable regulations to avoid or  
24 postpone the payment of the penalty. This subsection shall be  
25 applicable in establishing the acreage seeded and diverted

1 and the past acreage of wheat for 1959 and subsequent years  
2 in the apportionment of allotments beginning with the 1961  
3 crop of wheat. For the purpose of clause (1) of this sub-  
4 section, a farm with respect to which an exemption has been  
5 granted under section 335(f) for any year shall not be re-  
6 garded as a farm to which a wheat marketing quota is ap-  
7 plicable for such year, even though such exemption should  
8 become null and void because of a violation of the conditions  
9 of the exemption."

Passed the House of Representatives August 31, 1959.

Attest: RALPH R. ROBERTS,  
*Clerk.*

86<sup>th</sup> CONGRESS      H. R. 4874  
2d SESSION

[Report No. 1094]

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## AN ACT

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To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

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SEPTEMBER 1 (legislative day, August 31), 1959  
Read twice and referred to the Committee on  
Agriculture and Forestry

FEBRUARY 17 (legislative day, FEBRUARY 15), 1960  
Reported with an amendment





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

Issued March 29, 1960

For actions of March 28, 1960

86th-2d, No. 56

### CONTENTS

Acreage allotments.....	10
Administrative regulations.....	39
Appropriations...1,8,14,27	
Assaults and homicides..	23
Casein imports.....	16
Committee assignments...	20
Dairy products.....	7
Electrification.....	24
Ethics.....	18
Export-Import Bank.....	22
Extension service.....	30
Farm labor.....	32
Farm program.....3,38	
Food.....2	
Food donations.....	26
Food for peace.....	26
Food stamp plan.....	26
Forest Service.....	8
Forestry.....31,37	
Freight cars.....	26
Hogs.....	36
Inspection.....	6
Interest rates.....	19

Lands.....	5,26	Rural development.....	30
Marketing.....	17,36	Science.....	26
Meat.....	7	Social security.....	35
Oil and gas leases.....	26	Special milk.....	26
Oleomargarine.....	26	Tariff rates.....	13
Personnel.....	18,23,26,35	Transportation.....	4,21
Plant patents.....	26	Unemployment	
Postal rates.....	33	compensation.....	23
Property.....	26,34	Virgin Islands.....	8
Reclamation.....	12	Water.....	5,3,28
Recreation.....	8	Weather.....	15
Research.....	8	Wheat.....	11,25
Rice quotas.....	9	Wildlife.....	26,29

**HIGHLIGHTS:** Senate committee reported (on Mar. 25) Interior appropriation bill. House passed general Government matters appropriation bill. House committee reported (on Mar. 25) Labor-HEW appropriation bill. Senate passed bill to require rice marketing quotas when supply exceeds normal supply.

### HOUSE

1. APPROPRIATIONS. Passed without amendment H. R. 11389, the general Government matters appropriation bill for 1961, making appropriations for the Executive Office of the President and sundry Government agencies. (pp. 6093-107) The Appropriations Committee had reported this bill without amendment on March 25 (H. Rept. 1427). (p. 6115)

The Appropriations Committee reported, on March 25, without amendment H. R. 11390, the Departments of Labor, and Health, Education, and Welfare appropriation bill for 1961 (H. Rept. 1428). (p. 6115) The "Daily Digest" states that this will be acted on by the House on Tues., Mar. 29. (p. D241)

2. FOOD. Rep. Adair commended a film, "Tomorrow's Foodpower," which he calls "interesting and colorful" and a film that "points up the problems which our growing population will create with respect to the production of food in the coming years." pp. 6085-6

3. FARM PROGRAM. Rep. Whitten inserted a statement by a high school student which gives "thought and consideration to farm people, the bulwarks of our Nation." pp. 6110-1

4. TRANSPORTATION. Received a memorial from the Legislature of Alaska requesting "consideration" of "the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from and within the newly created State of Alaska." p. 6116
5. WATER; LANDS. Received a memorial from the Legislature of South Carolina asking cancellation of plans "for construction of new dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority." p. 6116
6. INSPECTION. Received a memorial from the Legislature of the State of Arizona requesting appropriation of "sufficient funds for the purpose of maintaining 24 hours a day, the compound on the international border at Lukeville, Ariz." p. 6116
7. MEAT; DAIRY PRODUCTS. Received two petitions from the Goshen Grange No. 856, Whatcom County, Wash., "recommending legislation be enacted requiring all meat imported, to be sold at retail counters in competition with meat produced in this country, be plainly labeled as imported meat, and requesting action be taken by the Congress to prevent removal of import restrictions on dairy products." p. 6117

SENATE

8. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1961. The Appropriations Committee reported (on Fri., Mar. 25) with amendments this bill, H. R. 10401, which includes items for the Forest Service, saline water research, the Outdoor Recreation Resources Review Commission, and the Virgin Islands Corporation (S. Rept. 1203) (p. 6118). At the end of this Digest is a table showing the Forest Service items, and excerpts from the committee report.
9. RICE MARKETING QUOTAS. Passed without amendment H. R. 7889, to require marketing quotas for rice when the total supply of rice exceeds the normal supply (under present law marketing quotas go into effect when the normal supply is exceeded by 10 percent). This bill will now be sent to the President. p. 6167
10. ACREAGE ALLOTMENTS. Passed as reported H. R. 8343, to require the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain so long as the land remains leased to the former owners of the land. pp. 6167-8
11. WHEAT. Passed as reported H. R. 4874, to provide that farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty. p. 6168
12. RECLAMATION. Passed as reported S. 68, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either. pp. 6174-5  
Passed as reported S. J. Res. 150, to permit the Secretary of the Interior to continue to deliver water to lands in the 3rd division, Riverton Federal Reclamation project, Wyo. p. 6175

Mr. PROUTY. Mr. President, over by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 256) authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 257) authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 260) to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A." was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

Mr. MORSE. Mr. President, will the Senator from Vermont withhold his objection for a moment?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, I believe this is a report which ought to be available in sufficient supply to be used by all Senators, particularly members of the Committee on Foreign Relations. It is an important report from the standpoint of helping to clarify the thinking of some of us on matters with regard to the challenge which Russia is presenting to us in the field of hydroelectric power development. The expenditure involved in connection with supplying the reprint called for is exceedingly nominal in relation to the great value that would flow from an educational standpoint in making the information available. I hope that at an early date we may get the approval of the Senate for the printing of these additional copies of the report.

I wish to say to the Senator from Utah [Mr. Moss] and the other Members of the Senate who went to Russia that they have given us a very valuable report and have performed a great service to the Senate. Not to make this report available in sufficient supply for use by Senators would clearly be pennywise and pound foolish.

The PRESIDING OFFICER. Objection is heard. The resolution will go over.

#### PRINTING OF ADDITIONAL COPIES OF HEARINGS ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 86) authorizing the printing of ad-

ditional copies of the hearings on employment, growth, and price levels was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on employment, growth, and price levels held by that committee during the first session of the Eighty-sixth Congress.*

#### PRINTING OF ADDITIONAL COPIES OF REPORT ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 87), authorizing the printing of additional copies of the report on employment, growth, and price levels was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the report on employment, growth, and price levels prepared by that committee during the first session of the Eighty-sixth Congress.*

#### PRINTING OF ADDITIONAL COPIES OF HEARINGS ON ENERGY RESOURCES AND TECHNOLOGY

The concurrent resolution (S. Con. Res. 88), authorizing the printing of additional copies of the hearings on energy resources and technology, was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on energy resources and technology, held by that committee during the first session of the Eighty-sixth Congress.*

#### PRINTING OF ADDITIONAL COPIES OF STUDIES ON COMPARISONS OF UNITED STATES AND SOVIET ECONOMIES

The concurrent resolution (S. Con. Res. 89), authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies, was considered, considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the studies on comparisons of the United States and Soviet economies, prepared by that committee during the first session of the Eighty-sixth Congress.*

#### MARKETING QUOTAS FOR RICE

The bill (H.R. 7889) to require marketing quotas for rice when the total supply exceeds the normal supply was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ELLENDER. Mr. President, I ask unanimous consent that a statement explaining the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR ELLENDER

This bill provides for the proclamation of rice marketing quotas whenever the supply exceeds normal. Existing law requires that supply exceed normal by more than 10 percent before quotas are proclaimed.

Normal supply consists of domestic consumption and exports plus a 10-percent allowance for carryover. This allowance for carryover, which amounts to about 5 million hundredweight, is adequate. Marketing quotas have been in effect for rice since 1955. Their suspension for any year could be anticipated to result in considerable expansion of acreage for that year followed by a difficult readjustment to quotas in the following year. The bill is designed to prevent such a situation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

#### ACQUISITION OF CROPLAND BY EMINENT DOMAIN

The bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 7, after the word "to," to strike out "one year" and insert "two years."

Mr. ELLENDER. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR ELLENDER

This bill would continue acreage allotments on lands acquired by agencies having the right of eminent domain so long as they remain leased to their former owners. It would also permit Federal Government lands to be leased to their former owners for the production of price supported crops without regard to section 125 of the Soil Bank Act.

At present where farm lands are acquired by any agency having the right of eminent domain, the allotments on the farm are pooled for use in providing allotments for other farms owned by the former owner of the farm lands so acquired. This is so even though such former owner remains on the farm under lease from the acquiring agency, continues farming it, and operates no other farm. So long as the former owner is allowed to remain in possession, there would seem to be no reason for not permitting him to operate the farm as he has in the past, and the bill is designed to accomplish this purpose. This will minimize the adverse effect of the Government's land acquisition operations on the individual farmer and the community.

Section 125 of the Soil Bank Act prohibits the leasing of Federal Government lands for the production of price supported crops in surplus supply. The bill would exempt from this prohibition lands leased to their former owner.

The committee amendment gives a former owner who is not in possession of the land at the time the bill becomes effective 2 years, instead of 1, to obtain a lease from the Government and qualify for the continuation of allotments on the land.

**The PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, was announced as next in order.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

**Mr. SCHOEPPEL.** Mr. President, I ask unanimous consent that a short explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

##### STATEMENT BY SENATOR SCHOEPPEL

This bill provides for crediting a wheat farmer who exceeds his allotment, but fails to produce a marketing excess, with the same history he would have received if he had produced an excess and stored it to avoid penalty.

Wheat farmers who either keep within their allotments, or store any marketing excess produced by them, are credited for the purpose of future allotments with acreage history equal to their base acreage. Wheat farmers who exceed their allotments and do not store their marketing excess are credited only with history equal to their allotted acreage, and lose the difference between their allotted acreage and base acreage. Wheat farmers who exceed their allotments but suffer a crop failure so that they have no marketing excess should, of course, be in as good a position as farmers producing and storing an excess. However, the law is not now so construed and such farmers receive credit only for their allotted acreage. The bill would correct this situation by providing for their being credited with their full base acreage.

The committee amendment makes no change in substance, but does make it clear that exempt farms, which could not avoid a loss of acreage history by storing any excess they might produce, will similarly not be able to avoid such loss if they have a crop failure. The committee amendment also clarifies the effective date of the bill.

The committee amendment, except for its last two sentences, has been previously approved by the Senate when it agreed to the conference report last year on S. 1968.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"(1) to which a wheat marketing quota is applicable; and

"(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"(3) on which the marketing excess is zero shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### INCREASE IN EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

The bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children was announced as next in order.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

**Mr. PROUTY.** Mr. President, while I personally favor the bill, I have been requested that it be held over.

**Mr. MORSE.** Mr. President, will the Senator withhold his objection for a moment?

**Mr. PROUTY.** Yes.

**Mr. MORSE.** Mr. President, if we do not get favorable action on the bill on the call of the calendar, I should like to say that it is certainly a bill that ought to be brought up by motion at an early date for consideration by the Senate. I say most respectfully that I do not see how there could be any possible justification for letting the bill die on the calendar. We cannot deny this assistance to

the little boys and girls in the United States who need milk.

It is just as simple as that. It is a great humanitarian bill. We ought to act on it. We ought to provide whatever additional funds are needed to give the boys and girls milk when they need it. I make this statement not from the standpoint of the milk industry, but from the standpoint of the nutritional needs of a lot of little boys and girls in this country to whom we had better be giving some attention, because they happen to be the greatest wealth we have.

**Mr. PROUTY.** Mr. President, I find myself in perfect and complete agreement with the Senator from Oregon.

**Mr. ELLENDER.** Mr. President, I ask unanimous consent to have a short explanation of the bill printed at this point in the RECORD.

**The PRESIDING OFFICER.** Objection is heard. The bill will be passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

##### STATEMENT OF SENATOR ELLENDER

This bill would increase the funds available for the special milk program to \$85 million for the current fiscal year and \$95 million for each fiscal year thereafter. This would be an increase of \$4 million from the \$81 million now available for the current year and an increase of \$11 million from the \$84 million now available for fiscal 1961. Because of expanded participation in the program, these increases are necessary to maintain the current payment rates of 4 cents per half pint for schools participating in the school lunch program and 3 cents per half pint for schools not participating in the school lunch program.

The bill would also make the program permanent. The program was first authorized by the Agricultural Act of 1954 and has been expanded and continued from time to time through fiscal 1961. The program has proved very successful and should now be made permanent.

The committee amendments increase the amount of Commodity Credit Corporation funds authorized by the House bill for fiscal 1961 from \$85 million to \$95 million, make the program permanent, and strike out an authorization for the appropriation of an additional \$15 million for fiscal 1961. Use of a combination of Commodity Credit Corporation funds and appropriated funds would result in unnecessary accounting and other fiscal problems.

The report states that because of the inadequacy of funds now authorized to cover expanded participation in the program a reduction of one-half cent per half pint in reimbursement rates has been announced effective April 1. Since the bill was reported the reduction has been deferred to May 1, but if additional funds should not be authorized by then, the reduction would be 1 cent per half pint.

#### DEPARTMENT OF COMMERCE APPROPRIATIONS, 1961 — BILL PASSED OVER

The bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes, was announced as next in order.





# Digest of CONGRESSIONAL PROCEEDINGS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For Department  
Staff Only)

## CONTENTS

Acreage allotments.....	9
Adjournment.....	17
Appropriations.....	2
Casein imports.....	6
Cranberry payments.....	3
Electrification.....	22
Export-Import Bank.....	14
Farm credit.....	5
Farm program.....	4, 12, 18
Foreign aid.....	19
Forestry.....	24
Lands.....	24
Legislative program.....	16
Nominations.....	5
Personnel.....	15, 21
Pesticides.....	26

Issued April 1, 1960  
For actions of March 31, 1960  
86th-2d, No. 59

Postal rates.....	13, 23, 27	Special milk.....	8
Property.....	25	Transportation.....	11
Rural development.....	1, 20	Wheat.....	7
Ryukyu Islands.....	10	Wildlife.....	26

HIGHLIGHTS: Senator Bennett commended the rural development program.

## SENATE

1. RURAL DEVELOPMENT PROGRAM. Sen. Bennett praised the rural development program as "one of the soundest and most promising farm programs instituted during recent years, and one which is unfortunately receiving far less public attention than it deserves," stated that the program "could well be the answer to the problem we are facing ... that is, the large-scale migration of our citizens to the cities, producing dying communities in some of our rural areas," and inserted several items discussing the program, including the interest of Canada in the program. pp. 6508-10
2. D. C. APPROPRIATION BILL, 1961. Agreed to the conference report on this bill, H. R. 10233, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 6451-2
3. CRANBERRY PAYMENTS. Sen. Wiley commended "the announcement made by the White House that the Department of Agriculture will offer to make indemnity payments to cranberry growers who -- through no fault of their own -- sustained losses on berries harvested in 1959," and stated that payments "to the growers will approximate \$8 per barrel of cleaned, marketable cranberries and will be made pursuant to the authority conferred by section 32 of Public Law 320 of the 74th Congress, as amended. Details of this offer to make such payments are expected

to be forthcoming from the Department of Agriculture shortly." pp. 6510-1

4. FARM PROGRAM. Sen. Carlson inserted a Coffey County (Kan.) Farmers Union resolution favoring a "Federal farm price support bill" to provide farmer elected committees from county to national levels, a national food use program, support levels at not less than 90 percent of current parity, and a wide variety of methods to carry out these programs, including Government loans, marketing orders, allotments, incentive payments, and a strong soil conservation program. p. 6498
5. NOMINATIONS. Received the nominations of Lester C. Carter and Robert T. Lister to be members of the Federal Farm Credit Board. p. 6556

HOUSE

6. CASEIN IMPORTS. Agreed to the Senate amendment to H. R. 7456 which, as amended, extends the existing suspension of import duty on casein only until July 1, 1960, rather than until April 1, 1963, as in the original House bill. This bill will now be sent to the President. pp. 6564
7. WHEAT. Agreed to the Senate amendment of H. R. 4874, to provide that farms on which the farm marketing excess of wheat is adjusted to zero because of over-production shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty. The Senate amendment is technical and clarifies the exemption of 15 acre feed wheat farms from provisions of the bill. This bill will now be sent to the President. pp. 6567-8
8. SPECIAL MILK PROGRAM. House conferees were appointed on authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program. Senate conferees have not yet been appointed.
9. ACREAGE ALLOTMENTS. Agreed to the Senate amendment to H. R. 8343, to require the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain so long as the land remains leased to the former owners of the land. The Senate amendment extended from 1 to a period of 2 years the time which former owners would have to make such a lease and have their allotment returned. This bill will now be sent to the President. p. 6568
10. RYUKYU ISLANDS. Subcommittee No. 2 of the Armed Services Committee reported to the full committee H. R. 1157, to provide for promotion of economic and social development in the Ryukyu Islands. p. D258
11. TRANSPORTATION. Rep. Fascell inserted a speech made by Mr. A. Arpaia, former member of the Interstate Commerce Commission, which calls for a "reorientation of the Government's role in transportation and a complete revision of the law relating to the Government's regulatory function. pp. 6472-3
12. FARM PROGRAM. Rep. Poage criticized two newspapers for using supposed quotes from his bill H. R. 10355, the family farm income bill which, he said, are not found in the bill. He was particularly critical of the article in a Farm Bureau publication and suggested that his fellow Farm Bureau members might "be interested in trying to get leadership in Washington and Chicago which can and will give a more factual and unbiased review of what efforts are being made by the Congress in behalf of the farm people throughout the Nation." pp. 6600-1

ber 29, 1937; reappointed and elected Chairman April 18, 1940; reappointed and elected Chairman March 16, 1945.

Lee Lawrie, sculptor; appointed January 18, 1933, to fill the vacancy caused by the termination of service of Adolph A. Weinman.

John Mead Howells, architect; appointed January 25, 1933, to fill the vacancy caused by the termination of service of John W. Cross.

Eugene F. Savage, painter; appointed February 11, 1933, to fill the vacancy caused by the termination of service of Ezra Winter; reappointed January 26, 1937, and term of service expired March 28, 1941.

Charles A. Coolidge, architect; appointed December 14, 1933, to fill the vacancy caused by the death of John L. Mauran. Mr. Coolidge died April 1, 1936.

Charles L. Borie, Jr., architect; appointed February 17, 1936, to fill the vacancy caused by the termination of service of Egerton Swartwout.

Henry R. Shepley, architect; appointed April 28, 1936, to fill the vacancy caused by the death of Mr. Coolidge; elected Vice Chairman August 10, 1938.

William F. Lamb, architect; appointed January 19, 1937, to fill the vacancy caused by the termination of service of Mr. Howells; reappointed March 24, 1941; elected Vice Chairman May 9, 1941.

Paul Manship, sculptor; appointed January 22, 1937, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Edward Bruce, art critic; appointed January 19, 1940, to fill the vacancy caused by the termination of service of Mr. Moore. Mr. Bruce died January 26, 1943.

Paul P. Cret, architect; appointed April 25, 1940, to fill the vacancy caused by the termination of service of Mr. Borie. Reappointed March 17, 1945. Dr. Cret died September 8, 1945.

John A. Holabird, architect; appointed May 3, 1940, to fill the vacancy caused by the termination of service of Mr. Shepley. Reappointed March 19, 1945. Mr. Holabird died May 4, 1945.

Henry V. Poor, painter; appointed March 29, 1941, to fill the vacancy caused by the termination of service of Mr. Savage.

Ralph Stackpole, sculptor; appointed October 6, 1941, to fill the vacancy caused by the termination of service of Mr. Manship.

David E. Finley, museum director; appointed May 11, 1943, to fill the vacancy caused by the death of Mr. Bruce; reappointed May 16, 1947; reappointed June 4, 1951.

William T. Aldrich, architect; appointed August 30, 1945, to fill the vacancy caused by the death of Mr. Holabird.

L. Andrew Reinhard, architect; appointed August 31, 1945, to fill the vacancy caused by the termination of service of Mr. Lamb.

Maurice Sterne, painter; appointed September 4, 1945, to fill the vacancy caused by the termination of service of Mr. Poor.

Frederick V. Murphy, architect; appointed November 30, 1945, to fill the vacancy caused by the death of Dr. Cret.

Lee Lawrie, sculptor; appointed December 5, 1945, to fill the vacancy caused by the termination of service of Mr. Stackpole.

Joseph Hudnut, architect; appointed June 28, 1950, to fill the vacancy caused by the termination of service of Mr. Clarke.

Edward F. Neild, Sr., architect; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Aldrich.

Felix W. deWeldon, sculptor; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Pietro Belluschi, architect; appointed June 30, 1950, to fill the vacancy caused by the termination of service of Mr. Reinhard.

Elbert Peets, landscape architect and city planner; appointed August 4, 1950, to fill the vacancy caused by the termination of service of Mr. Murphy.

George Biddle, painter; appointed August 8, 1950, resigned August 19, 1951; reappointed to succeed himself January 20, 1952.

#### SECRETARIES AND EXECUTIVE OFFICERS

The officer in charge of public buildings and grounds, ex officio.

Col. Spencer Cosby, U.S. Army, 1910-13; served until detailed as military attaché at the American Embassy, France.

Col. William W. Harts, U.S. Army, 1913-17; served until relieved and assigned for military duty in France.

Maj. C. S. Ridley, U.S. Army, 1917-21.

Lt. Col. C. A. Sherrill, U.S. Army, 1921-22.

H. P. Caenmerer, 1922-54.

Linton R. Wilson, 1954 to date.

#### SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### SPECIAL MILK PROGRAM FOR CHILDREN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause] The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, ABERNETHY, JOHNSON of Wisconsin, HOEVEN, DAGUE, and MCINTIRE.

#### FARM MARKETING EXCESS OF WHEAT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"(1) to which a wheat marketing quota is applicable; and

"(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"(3) on which the marketing excess is zero

shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, would the gentleman from North Carolina explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, the Senate amendment is technical. It does not change the substance of the bill, but merely makes it clear that the bill does not apply to those farms which are exempt from the quotas, that is, the 15-acre feed wheat exemption. It clarifies the effective date of the legislation.

Mr. HOEVEN. And it does not change the substance of the bill whatsoever?

Mr. COOLEY. It does not change the substance of the bill one bit.

Mr. HOEVEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### PRESERVING ACREAGE ALLOTMENTS ON CERTAIN LAND TAKEN UNDER EMINENT DOMAIN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "one year" and insert "two years".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the chairman explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, I have a brief explanation prepared which I will be glad to read.

Mr. Speaker, in 1958, Congress enacted a law—Public Law 85-835—providing a uniform policy for the transfer of acreage allotments to new farms when a farm having such an allotment is taken by a public agency having the power of eminent domain. By oversight, no provision was made for instances, which are becoming increasingly common, where the previous owner is permitted to occupy and operate the land under lease until it is actually needed for the purpose for which it was taken.

This bill takes care of such situations by providing that if the former owner is permitted by the acquiring agency to continue to operate the land under lease for some period of time, he will be permitted to grow crops subject to allotment at the time title was acquired by the public agency.

The House bill gave former owners 1 year after the enactment of this bill in which to make such a lease and have their allotment returned. The Senate amendment changes this to 2 years. It is the only change in the bill.

Mr. HOEVEN. Then, Mr. Speaker, my understanding is the Senate amendment only makes this one change, from 1 year to 2 years?

Mr. COOLEY. That is right.

Mr. HOEVEN. Mr. Speaker, I have consulted with the gentleman from Kansas [Mr. SMITH] who is interested in this

legislation and he agrees to the amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### THE LATE HARRY S. TANSEY

(Mr. O'HARA of Illinois asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'HARA of Illinois. Mr. Speaker, it is my sad duty to inform the House of the death of Harry S. Tansey. For 23 years he served the House faithfully, many years as one of our doorkeepers. During this long period of loyal service he endeared himself to all the Members. There is deep grief in this Chamber at his passing. His heart was in this House, and now that he has left us the hearts of all are deeply touched. To his wife, his daughter, and his sisters flows our sympathy.

Harry Tansey came from the district that I have the honor to represent and from the ward in Chicago in which for many decades I have had my home. During these years Harry Tansey has been my valued friend, and his brother, the late John P. Tansey, was one of my closest and dearest friends for over half a century.

Last night I visited the funeral home to say my last farewell. Today in Chicago a multitude of men and women in the Second District will be paying the last homage to his memory. He will be missed there, sadly missed, and he will be missed so very much here.

We in this House, in a personal sense, are one family that embraces in a family affection both the Members and those who work in our offices and work with us here in the Capitol. Together we do the work of the Congress. Harry Tansey long was of that family, and long will he be missed.

I yield to the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Speaker, it is with a truly heavy heart that I rise today and attempt to express with mere words my genuine sorrow at the death of a longtime and valued friend, Harry S. Tansey. He was a kind and gentle person who loved his fellow man. He served as a Doorkeeper in the House of Representatives for many years and was the senior man in point of service in the House gallery. He also served with the Capitol Police force in the document room and folding room. During his period of service there never was a complaint of any kind ever registered against him as he knew well how to be kind to people.

To his bereaved widow Catherine, to his daughter, Mrs. Catherine Tanner, and family, and to his sisters, Mrs. Kluczynski and myself offer our heartfelt sympathy and condolence.

Mr. O'HARA of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise with a great deal of emotion today to pay my respects to the late Harry Tansey. It was just a week ago Sunday that I attended church with him and escorted him for several blocks in a walk toward his home. I feel that with 20 years' service in this body as doorkeeper, and my acquaintanceship with the gentleman during that period and also my friendship with him in the city of Chicago, it was a great shock to learn of his death. I want to extend to his bereaved wife and daughter my heartfelt sympathy.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this time to extend my condolences to the widow of Harry Tansey and his daughter and family. Harry was very well liked by all of us here in the Congress and I know that he was very helpful to many of my constituents from Massachusetts. Always very kind and courteous and with a kind word each day to those who visited in the gallery, he will be greatly missed by me and many other Congressmen here in the House.

Mr. O'BRIEN of Illinois. Mr. Speaker, in the death of Harry S. Tansey I have lost a friend of many years. His elder brother, John P. Tansey, was one of the leaders of the Democratic Party in Cook County when I was a young man and our friendship had continued until his death not many months ago. Harry Tansey was a good man and in his 23 years of service with the House he was faithful in the performance of his duty and won the respect and affection of the Members and his fellowworkers.

Mrs. O'Brien joins me in expression of deep sympathy to his wife, his daughter, and his sisters.

Mr. PUJANSKI. Mr. Speaker, I would like to join in the tribute being paid to the late Harry Tansey, a native of Chicago, who for the last 23 years has been one of the most devoted employees in the Congress of the United States.

Mr. Tansey's untimely death will indeed leave a most saddened void in Gallery C, where this kind and gentle employee had served as doorkeeper, of the House of Representatives.

Mr. Speaker, it would be difficult to estimate the thousands upon thousands of people who had occasion to ask Mr. Tansey for guidance during these past 23 years when they made their visits to this Chamber. But I can assure you and my colleagues that no one would find any difficulty in assessing the high regard and respect these people engendered as a result of their meeting Mr. Tansey. He had a unique ability to





Public Law 86-419  
86th Congress, H. R. 4874  
April 9, 1960

AN ACT

74 STAT. 39.

To amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334 of ~~wheat~~.

the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) <sup>56 Stat. 52;</sup> and (e) to read as follows:

"(d) For the purposes of subsections (a), (b), and (c) of this <sup>72 Stat. 996.</sup> section, any farm—

"(1) to which a wheat marketing quota is applicable; and

"(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"(3) on which the marketing excess is zero

shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be <sup>7 USC 1335.</sup> regarded as a farm to which a wheat marketing quota is applicable such year, even though such exemption should become null and because of a violation of the conditions of the exemption."

Approved April 9, 1960.





